



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416

September 7, 2016

Mr. Ronald J. Kline
Contracting Officer
Department of Veterans Affairs
Network Contracting Office 4
Service Area Office East
Acquisitions (90A)
1010 Delafield Road
Pittsburgh, PA 15215-1802

RE: VA244-16-Q-1540

Dear Mr. Kline:

Based on the justification below, a waiver of the Nonmanufacturer Rule is hereby established for Dental Chairs and accessories under solicitation number VA24416Q-1540. This waiver applies only to this one-time award and does not apply to modifications outside the scope of the contract or other procurement actions. The effect of this waiver is to allow an otherwise qualified small business to supply the product of an other than small manufacturer or processor on this intended set aside for small business. However, it must be emphasized that this waiver of the Nonmanufacturer Rule **does not waive other legal requirements** applicable to Government procurements, such as the Buy American Act and the Trade Agreements Act.

This letter is in response to your request for an individual waiver of the Nonmanufacturer Rule (NMR) under NAICS 339114 (Dental Equipment and Supplies Manufacturing) to allow a set-aside solicitation for a small business (SB). There are no small business manufacturers of Dental Chairs. The Department of Veterans Affairs, NCO 4, through its market research found no small business manufacturers of dental chairs for use at its VA Healthcare System, Pittsburgh, PA facility. Your market research found several SBs that offer the dental chairs.

The waiver of the Nonmanufacturer Rule on an individual procurement is provided for in sections 8(a)(17) and 46 of the Small Business Act, 15 U.S.C. §§ 637(a)(17). In your justification, you claim that no small business manufacturers of dental chairs and accessories that meet the specifications of the VA Healthcare System in Pittsburgh, PA. Your market research supports this nonmanufacturer waiver request.

If you have any questions or require additional information, please contact Mr. Jon Haituka of my staff at (202) 401-1420.

Sincerely,

for Ajoy K. Sinha

Seán F. Crean
RADM, SC, USN (ret)
Director
Office of Government Contracting
U.S. Small Business Administration